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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,442

12/05/2003

Brett Anthony Cheng

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09/09/2008

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EXAMINER

MISKA, VIT W

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

09/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/729,442	Applicant(s) CHENG, BRETT ANTHONY	
	Examiner Vit W. Miska	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,10,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,10,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/11/2008 has been entered.

Claim Rejections - 35 USC § 103

2. Claims 1, 6, 10, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al (6678215) in view of Kushita (5444672).. The Treyz et al reference discloses a timekeeping device 12 (Figs. 1,2,4) that counts local time (col. 9, line 42) and includes a display 64, time synchronization client 58, 68 and a wireless communication device 74 that connects the time synchronization client to an access point 44 capable of accessing a time server 26 through a network 18, the time synchronization client transmitting a query signal (col. 9, lines 38-39) for querying the time server 26 through the network 18 to receive a current server time and adjusting the local time (col. 9, lines 37,41) , further including a transmitter 76, 78 (claim 6) for

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wirelessly transmitting the query signal to the access point, short range wireless communications 78 (claim 25) and long range wireless communications 76 (claim 26).

3. The "time synchronization client" is not referred to as such in Treyz, however it is apparent that clock 12 performs the time adjusting or synchronization function after receiving the server time as described at col. 9, lines 35ff. Circuitry 58 is described as "used to control the operation of alarm clock radio 12" (col. 12, line 48), and thus one skilled in the art would recognize that circuit 58, 68 and/or other portions of the clock as shown in Fig. 4 perform the function of querying the time server 26 to receive and adjust the time, as suggested at col. 9, lines 35ff.

4. Treyz et al does not suggest powering down the synchronization client when not transmitting. Kushita teaches turning power off to a receiving circuit 5 by controller 27 when not receiving time signals in a wireless paging system. The reference indicates at col. 3, lines 39ff:

"For battery saving and signal monitoring purposes during a standby mode, the pager includes a battery saving circuit 27 which intermittently supplies the battery voltage to the front end 5 through line 28. When the pager is called, the battery saving circuit 27 is disabled in response to the output of comparator 21 in order to continuously supply the battery voltage to front end 5."

It is therefore apparent to one skilled in the art that the term "intermittent" refers to the disabling of front end circuit 5 (the paging demodulating circuit) when a paging

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message is not being transmitted to the pager, and the enabling thereof when a message is received.

5. It would therefore be obvious for one of ordinary skill in the art having both references to provide such a standby mode for the portions of synchronization client 58,68 in Treyz et al which transmit and receive the wireless signals in order to conserve battery power during the time periods when the receiver/transmitter is not required by means of a controller, as taught by Kushita.

6. With respect to claim 10, a time zone adjustment is suggested at col. 22, line 63, thus requiring some type of memory for storing this information.

Response to Applicant's Arguments

7. Applicant first suggests that circuit 27 in Kushita does not power down the front end 5, but "merely supplies power on an intermittent basis". However, as pointed out above, the reference clearly indicates that circuit 5 is powered down by circuit 27 when the pager is not receiving signals. Thus, the reference teaches powering down receiving circuit 5 "at least some of the time", as claimed in claim 1 by applicant.

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8. Applicant's second point of argument is that front end 5 of Kushita is not a synchronization client, but rather corresponds to circuit 30 of applicant's device. However, Kushita is used only as a teaching of turning off power to a wireless receiving circuit in a communication device to conserve power when the device is not receiving signals. One of ordinary skill in the art having such a teaching would apply the same to any communication device having wireless circuitry which may benefit from power savings by turning power off to selected components until required for data reception or transmission, as in the device of Treyz .

9. Lastly, applicant notes that the "standby mode" of Kushita is not described in detail and therefore does not correspond to the claimed mode of turning power off to the synchronization client at least some of the time when the latter is not transmitting a query signal. However the "standby" mode is sufficiently described in the quoted passages to suggest turning power off to circuit 5 (receiver modulator) when a signal is not received thereby. The application of this teaching to the synchronization client (a receiver/transmitter circuit) of Treyz would be obvious to one skilled in the art as a means for conserving power.

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued

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examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vit W. Miska/
Primary Examiner, Art Unit 2833